

## REMARKS

The Applicants have carefully reviewed the Office action and the references cited therein. In the Office action, claims 1 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bauer et al. in view of White et al.; claims 2-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bauer et al. in view of White et al. and further in view of one or more of Ng et al., Lin et al., and Gerszberg et al.; and claims 13-15 and 16-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lin et al. in view of one or more of Liu et al. and Gerszberg et al. In addition, claim 21 was indicated as allowable. Accordingly, claim 21 is not discussed further herein. The Applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance. Notification to that effect is earnestly requested.

### **I. Independent Claim 1**

The Applicants respectfully submit that independent claim 1 is allowable over the art of record. Independent claim 1 involves, *inter alia*, detecting a dialing of a destination telephone number, establishing a telephony connection with an internet service provider based on a telephone number of the internet service provider in response to the dialing of the destination telephone number, and sending a message to the internet service provider including the destination telephone number. Thus, two separate telephone numbers are involved in claim 1, namely a destination telephone number and a telephone number of an internet service provider. In claim 1, the destination telephone number is detected as being dialed, in response to that detection another telephone number (i.e., “a telephone number of the internet service provider”) is used to establish a telephony connection with an internet service provider, and the detected destination telephone number is sent in a message to the internet service provider.

In contrast to claim 1, Bauer et al. describe using a generic access telephone number to connect with a database of internet service provider routing numbers and using one of those internet service provider routing numbers to connect to an internet service provider. *Bauer et al.*, 1:67-2:4 and 2:15-19. The Office action suggests that the generic access telephone number of Bauer et al. constitutes the destination telephone number recited in claim 1. *See Office Action dated February 1, 2008*, p. 2, last two lines. In contrast to claim 1, which involves sending the destination telephone number to an internet service provider in a message, Bauer et al. do not describe or suggest sending the generic access telephone number in a message to the internet service provider.

The Office action suggests that one of ordinary skill in the art would have been motivated to modify the system of Bauer et al. in view of White et al. to arrive at the method of independent claim 1. On the contrary, the Applicants respectfully submit that modifying the system of Bauer et al. is contrary to its principle of operation and would render the Bauer et al. system inoperable for its intended purpose. *See MPEP § 2143.01 (VI)* (citing *In re Ratti*, 270 F.2d 810, 813) (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious”).

Modifying Bauer et al. in light of White et al. as suggested in the Office action to overcome this deficiency would cause the Bauer et al. system to not connect to an internet service provider as the system is designed to do. The proposed modification would require replacing the generic access telephone number of Bauer et al. used to access a database of internet service provider routing numbers with a destination telephone number of a called party. However, such a modification would prevent the Bauer et al. system from establishing a telephony connection with an internet service provider in the first place because the destination telephone number of the called party will not establish a connection with the

database of internet service provider routing numbers as described by Bauer et al. Thus, the suggested modification of the Bauer et al. system would cause the Bauer et al. system to establish a direct telephony connection with the called party instead of establishing a connection with an internet service provider. Such a modification is contrary to the principle of operation of the Bauer et al. system because it would render the Bauer et al. system inoperable for establishing a connection with an internet service provider. Further, such a modification would not describe or suggest each and every element of independent claim 1 because claim 1 involves connecting to an internet service provider.

In view of the foregoing, the Applicants respectfully submit that Bauer et al. and White et al. do not render independent claim 1 *prima facie* obvious. Accordingly, independent claim 1 and all claims dependent thereon are in condition for allowance.

## **II. Independent Claim 13**

The Applicants respectfully submit that independent claim 13 is also allowable over the art of record. Independent claim 13 is directed to a home gateway system that includes, *inter alia*, a router to send a request to a processor to establish a communication session with an internet service provider. The Office action suggests that one of ordinary skill in the art would have modified the system of Lin et al. in view of Liu et al. to arrive at the home gateway system of claim 13. On the contrary, neither Lin et al. nor Liu et al. describe or suggest a router to send a request to a processor to establish a communication session with an internet service provider as recited in claim 13 and, thus, no combination of Lin et al. and Liu et al. could render claim 13 *prima facie* obvious. Further, one of ordinary skill in the art would not have been motivated to modify Lin et al. in view of Liu et al. as suggested in the Office action.

As indicated in the Office action, Lin et al. do not describe or suggest a router. The Office action relies on Liu et al. to overcome this deficiency. However, although Liu et al.

describe a router, Liu et al. do not describe a router to send a request to a processor to establish a communication session with an internet service provider. Instead, Liu et al. describe routers (34 and 66) used to route information between a local service provider system (63) and a home service provider system (64). *Liu et al.*, FIG. 3 and 3:20-25. Liu et al. describe that a user uses a remote computer (26) to connect to a modem rack (18) of the local internet service provider (63) by using login username and password information associated with the home service provider system (64). *Id.*, 3:32-46. In the system described by Liu et al., a connection is made between the remote computer (26) and the local internet service provider (63). Any request to establish a communication session with an internet service provider is made between the remote computer (26) and the modem rack (18). Thus, the operations of the routers (34 and 66) do not involve sending a request to establish a communication session with an internet service provider as recited in claim 13.

In the system of Liu et al., a request to establish a communication session with an internet service provider is made between the remote computer (26) and the modem rack (18) and is granted by the local internet service provider (63). *Id.*, 3:47-65. Thus, because the request to establish a communication session with the local internet service provider (63) is made between the remote computer (26) and the local internet service provider (63), neither of the routers (334 and 66) sends a request to establish a communication session with an internet service provider as recited in claim 13. Although Liu et al. do describe that the local internet service provider (63) communicates a username and password to the home internet service provider (64) via the router (34) (*Id.*, 3:55-58), there is no suggestion to indicate that a request to establish a connection is communicated via the router (34). Instead, the username and password are used to gather information by the local internet service provider (63) (i.e., customer verification) so that the local internet service provider (63) can decide whether to grant the connection request from the local computer (26). Accordingly, the Applicants

respectfully submit that Liu et al. do not describe or suggest a router to send a request to a processor to establish a communication session with an internet service provider as recited in claim 13 and, thus, no combination of Lin et al. and Liu et al. can render claim 13 *prima facie* obvious.

Further, the Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to modify the system of Lin et al. by providing it with the router of Liu et al. as suggested in the Office action. The Office action suggests that one of ordinary skill in the art would have been motivated to modify Lin et al. “by adding to it the feature of establishing a connection to ISP via a transceiver for the benefit of routing the call to the Internet to use the function of ISP in routing network packets used for initiating and terminating telephone calls.” *See Office Action dated February 1, 2008*, p. 6. On the contrary, Lin et al. do not describe or suggest that either of its routers (34 and 66) enable establishing a connection to an internet service provider via a transceiver for the benefit of routing a call to the Internet to use the internet service provider to route network packets used for initiating and terminating telephone calls. Thus, there is no evidence to support that the suggested modification of Lin et al. would even provide the suggested functionality to the system described by Lin et al. Further, there is not evidence to suggest that the Lin et al. system could be modified to establish a connection to an internet service provider via a transceiver for the benefit of routing a call to the Internet to use the internet service provider to route network packets used for initiating and terminating telephone calls. For this further reason, the Applicants respectfully submit that Lin et al. and Liu et al. do not render claim 13 *prima facie* obvious. Accordingly, the Applicants respectfully submit that independent claim 13 and all claims dependent thereon are in condition for allowance.

### **III. Conclusion**

For at least the foregoing reasons, the Applicants respectfully submit that all of the claims pending in the instant application are in condition for allowance. Reconsideration is respectfully requested. If there are any remaining issues in this application, the Examiner is invited to contact the undersigned representative at the telephone number below.

The Commissioner is authorized to charge any deficiency in the payment submitted herewith toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

Respectfully submitted,

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By: Felipe Hernandez/  
Felipe Hernandez  
Registration No. 61,971  
Agent for Applicants

HANLEY, FLIGHT & ZIMMERMAN, LLC  
Suite 2100  
150 South Wacker Drive  
Chicago, Illinois 60606  
(312) 580-1020